IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3099 OF 2005

Rajendra Ganpat Sangle ..Petitioner.

Versus

Smt. Smita Rajendra Sangle ..Respondent.

Mr. R.S. Datar for the Petitioner.

Mr. M.N. Sandhyanshiv for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 29TH JUNE, 2005.

P.C.:

1. Rule. Rule made returnable forthwith. Mr. Sandhyanshiv waives notice for Respondent. Heard by consent.

2. The petitioner husband’s application for amendment of his petition has been rejected by the impugned order. The petitioner sought amendment to his petition for divorce on the basis of the written statement filed by the respondent. After reading

paragraphs 13 and 17 of the written statement filed by the respondent, the amendment sought by the petitioner is to the effect that the allegations made by the respondent wife in paragraphs 13 and 17 constitute cruelty. This application has been rejected. I see no reason to interfere with this order since, the petitioner, even according to the learned counsel for the respondent, is entitled to argue this point at the final hearing. I am also of the view that even otherwise, amendment would unnecessarily protract the litigation since the trial has commenced. The petition is dismissed with cost, quantified at Rs. 2,500/-. The petitioner will be entitled to raise such contentions as may be advised in law.

29.06.2005 (S.A.BOBDE,J.)

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